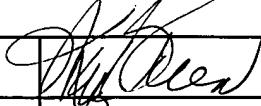


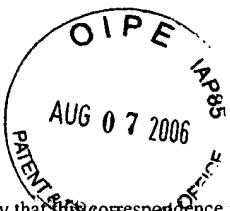
DAK

O I P E TRANSMITTAL FORM AUG 07 2006 <small>(to be used for all correspondence after initial filing)</small>		Application Number 10/789,948
		Filing Date February 26, 2004
		First Named Inventor Pierce, Brian N.
		Art Unit 3739
		Examiner Name Johnson III, Henry M.
Total Number of Pages in This Submission		Attorney Docket Number 022122-000410US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input checked="" type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Return Postcard
<div style="border: 1px solid black; padding: 2px;"> <input type="checkbox"/> Remarks The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430. </div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Townsend and Townsend and Crew LLP		
Signature			
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TOWNSEND and TOWNSEND and CREW LLP

By: Myra Lee

**AMENDMENT UNDER 37 CFR 1.116
EXPEDITED PROCEDURE —
EXAMINING GROUP 3739**

PATENT
Attorney Docket No.: 022122-000410US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

BRIAN N. PIERCE

Application No.: 10/789,948

Filed: February 26, 2004

For: **DISINFECTION, DESTRUCTION OF
NEOPLASTIC GROWTH, AND STERIL-
IZATION BY DIFFERENTIAL ABSORP-
TION OF ELECTROMAGNETIC ENERGY**

Customer No.: 20350

Confirmation No.: 5787

Examiner: Johnson III, Henry M.

Art Unit: 3739

**REQUEST FOR
RECONSIDERATION
UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3739**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is submitted in response to the Office Action mailed July 18, 2006.

Reconsideration of the application is respectfully requested.

The rejection of claims 1-8 as either anticipated or obvious over Nordquist et al. US 6,149,671, is again respectfully traversed.

The holding in the Office Action that “the only positively cited step of the independent claim is irradiating a portion of a living organism” is an incomplete reading of the claim and a mischaracterization of the invention. As previously explained by Applicant, claim 1 of the present application explicitly recites irradiation of an organism with radiation at a